REMARKS

Rejection of Claims 8-12 under 35 U.S.C §103(a)

Claims 8-12 are rejected under 35 U.S.C. § 103 (a) as allegedly obvious in view U.S. Patent No. 4,234,708 to Edelman ("Edelman"). Applicant respectfully traverses the rejection and the statements made in support thereof for the reasons stated below.

The reference cited by the Examiner, Edelman, discloses a polyethylene iso-terephthalate copolymer modified with a branching agent and a chain terminating agent. Edelman also discloses that this copolymer may be processed into plastic containers by extrusion blow molding ("EBM").

The disclosure of Edelman, however, would not have taught or suggested Applicants' EBM article or process and would not have guided a person of ordinary skill in the art to make Applicants' invention. For example, the Edelman disclosure is limited only to polyethylene iso-terephthalate copolyesters, that is, polyesters prepared from terephthalic acid, isophthalic acid, and ethylene glycol as the primary diol component. There is no mention of polyesters based on diols other than ethylene glycol, including polyesters which contain 1,4-cyclohexanedimethanol (CHDM) and neopentyl glycol (NPG). Applicants respectfully suggest that the Office Action may have overlooked this deficiency when it states that, "Edelman does not specifically teach the claimed characteristics of the polyethylene terephthalate" (Office Action at 2). Although Applicants acknowledge that Edelman does not teach the claimed invention,

Applicants submit that the Office Action is in error since the claims of present invention are not directed to polyethylene terephthalate or iso-terephthalate.

The Edelman disclosure also is limited to branched polymers and explicitly describes linear PET as unacceptable for EBM applications:

> Linear PET has relatively low molecular weight and a narrow molecular weight distribution. This combination of characteristics results in a low melt strength polymer having a low shear sensitivity which is unacceptable for extrusion blow molding applications. The incorporation of particular chain branching agents and chain stopping agents avoids these problems. (Edelman, col. 9, lines 29-35).

Clearly, the above not only teaches but emphasizes the requirement for branched polymers; Edelman, therefore, simply would not have taught or suggested EBM articles or processes using the linear polyesters of Applicants' invention. Moreover, Edelman teaches that not just any branching agent will do; specific branching agents in combination with specific chain terminating agents are needed to produce acceptable EBM articles:

> It was not until the present invention that it was discovered that a high melt-strength, gel-free polyethylene iso/terephthalate copolymer could be obtained by incorporation of specific amounts of selected chain branching agents and chain terminating agents in combination, which copolymer is capable of being extrusion blow molded by conventional techniques to form objects which are transparent throughout, containing no opaque sections. (Edelman, col. 2, lines 29-37).

A proper analysis of the cited art, therefore, would consider at least 3 differences between Edelman and the present invention: (1) iso-terephthalate polyesters based on ethylene glycol, (2) branched polyesters; and (3) a combination of specific branching and chain terminating agents. Applicants

submit that Edelman not only would have failed to teach the claimed invention but would have directed a person skilled in the art seeking to produce EBM articles and operate EBM processes away from any linear polyester. Thus, based on the disclosure of Edelman, it would have been entirely reasonable for one of ordinary skill in the art at the time the invention was made to conclude that only branched polyesters and, further, only branched polyesters containing the combination of certain branching and chain terminating agents could be processed satisfactorily into articles *via* extrusion blow molding. The cited reference, therefore, teaches distinctly away from Applicants' invention.

Applicants respectfully submit the stated rejection fails to establish a *prima facie* case of obviousness. The disclosure of Edelman, by any reasonable interpretation, simply would not have taught or suggested Applicants' EBM article or process and would have pointed the skilled person away from the claimed invention. Moreover, because of the lack of a suggestion or teaching of Applicants' invention, the disclosure of Edelman necessarily could not have provided a reasonable expectation of success. Applicants, therefore, respectfully request reconsideration and withdrawal of the rejection.

Provisional Rejection of Claims 1-12 under 35 U.S.C. §101

In view of the foregoing arguments, Applicants believe that the rejection of claims 8-12 has been overcome. Applicants, therefore, respectfully request that the provisional rejection of Claims 1-12 under 35 U.S.C. §101 be

withdrawn. In additon, Applicants expect the present application to issue ahead of copending Application No. 10/357,119.

In summary, Applicants believe the application to be in condition for allowance. Accordingly, the withdrawal of all rejections and early allowance of the application are earnestly solicited.

Respectfully submitted,

Eric D. Middlemas

Eastman Chemical Company
P.O. Box 511
Kingsport, Tennessee 37662
Phone: (423) 229-6427
FAX: (423) 229-1239

Eric D. Middlemas
Registration No. 53,325

March 4, 2005
Date

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Mail Stop Amendment, P. O. Box 1450, Alexandria, VA 22313-1450.

Cathy L. Adkins

March 4, 2005
Date